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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,665	02/15/2001	Yiqun Wang	1001.1412101	2225

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EXAMINER

ALI, SHUMAYA B

ART UNIT PAPER NUMBER

3743

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,665

Applicant(s)

WANG ET AL.

Examiner

Shumaya B. Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-30,35 is/are pending in the application.
- 4a) Of the above claim(s) 31-34 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-30,35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>detailed action</u> . |

Response to Arguments

Applicant's arguments with respect to claims 22-30, and 25 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 22-30,35 are rejected under 35 U.S.C. 102(b) as being anticipated by McIntyre et al. US Patent No. 5,334,153.**

As to claim 22, McIntyre et al. disclose a catheter assembly having an elongated catheter shaft (generally 1) having a proximal end, a distal end, and a guide wire lumen (5) defined therein, and an inflation lumen (22) defined therein; a balloon (8) disposed adjacent the distal end of the catheter shaft (see fig.1), the balloon being in fluid communication with the inflation lumen (as recited in col. 4 line 14); a port (20) disposed at the proximal end of the catheter shaft; the port inherently having an opening defined therein (see fig.4) that is in fluid communication with the inflation lumen and a flanged end (34); and a seal (26/28, as recited in col.5 lines 55-60 and col.6 lines 1-3) member attached to the flanged end and covering the opening.

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As to claims 23-29, McIntyre et al. disclose wherein the seal has a cross sectional surface area defined by a closed plane figure; wherein the seal is generally planar; wherein the seal extends laterally beyond the flanged end of the port; wherein the seal is pierceable; wherein the seal is self sealing (col.5 line 53 “air tight”); wherein the seal defines the proximal most (col.5 lines 62-63) end of the port; wherein the seal is releasably attached to the flanged region (see figure 4).

As to claim 30, McIntyre et al. disclose catheter further comprising a cap (24) coupled to the port and disposed over the seal (see fig.4)

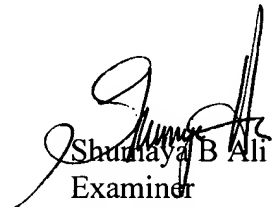
As to claim 35, McIntyre et al. disclose a balloon catheter in figures 1-5 comprising an elongate catheter shaft (generally 1) having a proximal end region, a proximal port (20) disposed adjacent the proximal end region, a distal end region, a balloon (8) disposed adjacent the distal end region; and an inflation lumen (22) extending between the port and the balloon; wherein the port includes a proximal end, a proximal flange (34), and a proximal end surface defined by the proximal end and the proximal flange; and a seal (26/28, as recited in col.5 lines 55-60 and col.6 lines 1-3) attached to the proximal end surface that seals the inflation lumen.

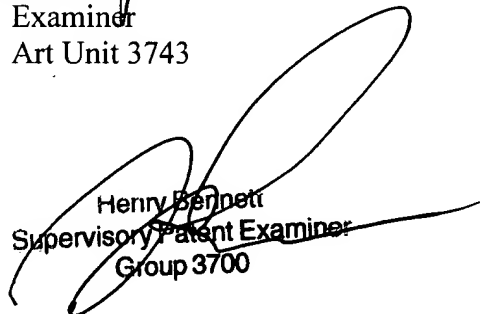
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shumaya B. Ali whose telephone number is 571-272-6088. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Shunfaya B Ali
Examiner
Art Unit 3743


Henry Bennett
Supervisory Patent Examiner
Group 3700